

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|   |   |                                    |
|---|---|------------------------------------|
| IN RE: ANDREA GENRETTE,                 | : | Bankruptcy Case No. 15-11738 (BLS) |
|   | : | BAP No. 19-50                      |
| Debtor.                                 | : |                                    |
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| ANDREA GENRETTE,                        | : |                                    |
|   | : |                                    |
| Appellant,                              | : |                                    |
| <hr/>                                   |   |                                    |
| v.                                      | : | C. A. No. 19-1664-MN               |
| <hr/>                                   |   |                                    |
| Bank of New York Mellon Trust Co., N.A. | : |                                    |
|   | : |                                    |
| Appellee.                               | : |                                    |

**RECOMMENDATION**

At Wilmington this **19<sup>th</sup>** day of **September, 2019**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, Chief Magistrate Judge Thynge reviewed the information contained on this Court's docket regarding an appeal of an Order by Bankruptcy Court entered August 29, 2019 to determine the appropriateness of mediation in this matter. This appeal was docketed on September 5, 2019. The Order appealed is captioned "Order Denying Debtor's Amended Objection to Proof of Claim". In denying Appellant's Objection, the Bankruptcy Court consider the Objection<sup>1</sup>, Appellee's Opposition<sup>2</sup> and

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<sup>1</sup> Docket No. 156 of the Bankruptcy Court docket.

<sup>2</sup> Docket No. 168 of the Bankruptcy Court docket.

held a hearing on August 28, 2019. As a result, the Bankruptcy Court denied and overruled the Objection for the reasons stated on the record at the hearing on August 28, 2019.

No Order has been entered establishing a briefing schedule for this appeal.

WHEREAS, as a result of the above screening process, the appeal addresses issues that are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties are advised they may file objections to this Recommendation pursuant to and consistent with 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

/s/ Mary Pat Thyng

Chief U.S. Magistrate Judge Mary Pat Thyng